

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Massimo Fini, et al.

U.S. Serial No.: 10/018,899

PCT International Application No.:  
PCT/US00/06164

Int'l Filing Date: 9 March 2000

For: FACE OR NOSE MASK FOR  
NON-INVASIVE VENTILATION OF  
PATIENTS IN GENERAL) Examiner: Not assigned  
) Group Art Unit: Not assigned  
) Docket No. MALCC 59155  
)**CERTIFICATE OF MAILING**) I hereby certify that this paper and the documents referred  
to as being attached or enclosed herewith are being  
deposited with sufficient postage as First Class Mail in an  
envelope addressed to: Box PCT, COMMISSIONER  
**FOR PATENTS, WASHINGTON, D.C. 20231**  
on May 28, 2002)   
David G. Parkhurst, Reg. No. 29,422May 28, 2002  
Los Angeles, California 90045**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

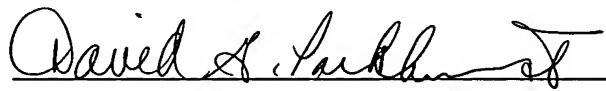
Responsive to the Notification of Missing Requirements dated  
March 27, 2002, a copy of which is attached, enclosed is the Declaration and Power of  
Attorney, Assignment with cover sheet and our check for \$40.00 to cover the fee for  
recordation of the assignment.

U.S. Serial No. 10/018,899

It is believed that no additional fees are due in connection with this response. However, if any fees are due, the Commissioner is authorized to charge any such fees to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



David G. Parkhurst  
David G. Parkhurst, Reg. No. 29, 422

DGP:rvw

Enclosures: Return Postcard

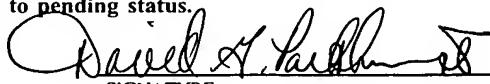
Copy of Notification of Missing Requirements dated March 27, 2002  
Declaration and Power of Attorney  
Assignment with cover sheet  
Check (\$40.00)

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Tele. No. (310) 824-5555  
Facsimile No. (310) 824-9696

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <small>FORM PTO-1390 (REV. 12-2001)</small>		ATTORNEY'S DOCKET NUMBER <b>MALCC 59155</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5 10/018,899</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US00/06164</b>	INTERNATIONAL FILING DATE <b>9 March 2000</b>	PRIORITY DATE CLAIMED <b>12 March 1999</b>
TITLE OF INVENTION <b>FACE OR NOSE MASK FOR NON-INVASIVE VENTILATION OF PATIENTS IN</b>		
APPLICANT(S) FOR DO/EO/US <b>FINI, Massimo, et al.</b>		GENERAL
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Other items or information: <b>Return Postcard, Missing Parts Notice (copy) and Response to Notice to File Missing Parts</b></li> </ol>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/018,899</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US00/06164</b>	ATTORNEY'S DOCKET NUMBER			
<p>21. <input type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1040.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p style="text-align: right;">\$</p>		<b>CALCULATIONS PTO USE ONLY</b>			
<p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p>		\$			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$18.00	\$	
Independent claims	- 3 =		x \$84.00	\$	
<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>			+ \$280.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			+ .	\$	
		<b>SUBTOTAL =</b>		\$	
<p>Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p>				\$	
		<b>TOTAL NATIONAL FEE =</b>		\$	
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +</p>			\$ 40.00	\$	
		<b>TOTAL FEES ENCLOSED =</b>		\$ 40.00	\$
			Amount to be refunded:	\$	
			charged:	\$	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-2425</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:  <b>David G. Parkhurst, Esq.</b>  <b>FULWIDER PATTON LEE &amp; UTECHT, LLP</b>  <b>Howard Hughes Center - 10th Fl.</b>  <b>6060 Center Drive</b>  <b>Los Angeles, CA 90045</b></p> <p style="text-align: right;">  <b>SIGNATURE</b>  <b>David G. Parkhurst</b>  <b>NAME</b>  <b>29,422</b>  <b>REGISTRATION NUMBER</b>  <b>May 28, 2002</b></p>					



## UNITED STATES PATENT AND TRADEMARK OFFICE

145-1012  
Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,899	Massimo Fini	MALCC 59155

David G Parkhurst  
Fulwider Patton Lee & Utecht  
Howard Hughes Center  
6060 Center Drive 10th Floor  
Los Angeles, CA 90045

RECEIVED  
BY DOCKET DEPT.  
APR 02 2002  
FULWIDER PATTON LEE & UTECHT, LLP  
LOS ANGELES

INTERNATIONAL APPLICATION NO.  
PCT/US00/06164

I.A. FILING DATE      PRIORITY DATE  
03/09/2000      03/12/1999

CONFIRMATION NO. 6096  
371 FORMALITIES LETTER



\*OC000000007723352\*

Date Mailed: 03/27/2002

*Response Due May 27, 2002*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,899	PCT/US00/06164	MALCC 59155

FORM PCT/DO/EO/905 (371 Formalities Notice)